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April 24, 2020

***Via Electronic Court Filing***

The Honorable David Gregory Kays  
U. S. District Judge  
Charles Evans Whittaker U.S. Courthouse  
400 E. 9th Street  
Kansas City, MO 64106

RE: *Rural Community Workers Alliance, et al. v. Smithfield Foods, Inc., et al.*,  
Case No. 5:20-cv-06063-DGK

Dear Judge Kays:

We represent Smithfield Foods, Inc. and Smithfield Fresh Meats Corp. (collectively, "Smithfield") in the above referenced matter.

We intend to file an Emergency Motion to Dismiss, or in the Alternative to Stay, this action subject to OSHA's authority pursuant to the primary jurisdiction doctrine. In Missouri, federal OSHA is the agency charged with investigating and enforcing workplace safety. It has special expertise in this area, and is currently investigating and enforcing work place safety issues concerning COVID-19 throughout the country. On the same day that Plaintiffs' filed their Complaint in this case, OSHA sent the Company a request for information as part of a Complaint investigation seeking comprehensive information regarding COVID-19 work practices and infection at the subject plant. Smithfield is instructed to respond to OSHA's request for information by Tuesday, April 28. Smithfield is preparing its response and intends to cooperate fully with OSHA.

We understand that the Court has issued an Order requiring Smithfield to respond to Plaintiffs' Motion for Preliminary Injunction or TRO on or before 5:00 p.m. on April 27, 2020. However, we do not believe that it is necessary for the Court to consider Plaintiffs' request for injunctive relief given OSHA's involvement and the primary jurisdiction doctrine. Rather, before requiring the Court to invest the time and resources in reviewing a baseless motion and requiring Smithfield to prepare a response, Smithfield respectfully requests that the Court rule on Smithfield's Emergency Motion to Dismiss. We expect to file the Motion no later than 5:00 p.m. on April 27.

As of today's date, we are not aware of any confirmed diagnoses of COVID-19 in plant employees or in Sullivan County. In the meantime, Smithfield has and continues to follow all OSHA requirements and all guidance from CDC and other public authorities. To the extent the Court still requires that Smithfield respond to Plaintiffs' Motion for Preliminary Injunction or TRO, Smithfield respectfully requests that the Court permit Smithfield to file its response on May 4, 2020. This is still an accelerated schedule which gives Smithfield approximately ten days to investigate Plaintiffs' claims and prepare its response to Plaintiffs' 80+ page brief with exhibits.

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Thank you for your consideration.

Sincerely,

Lathrop GPM LLP

***/s/ Jean Paul Bradshaw II***

Jean Paul Bradshaw II  
Partner

cc: (via CM/ECF notification)  
All Counsel of Record